REMARKS

The foregoing Amendment and remarks which follow are responsive to the Office Action mailed May 22, 2001 in relation to the above-identified patent application. In that Office Action, the Examiner rejected Claims 37-52 and 57-61 under 35 U.S.C. §112 due to certain structural attributes of the contacts and die pad purportedly not being disclosed in the originally filed specification or shown in the originally filed drawings. Additionally, the Examiner rejected Claim 53 under 35 U.S.C. §101 on grounds of "same invention" double patenting as purportedly being directed to the same invention as that of Claim 6 of Applicant's U.S. Patent No. 6,143,981 (the "981 Patent"). The parent application Serial No. 09/103,760 to which the present application claims priority issued as the '981 Patent on November 7, 2000. The Examiner also rejected Claims 37-52 and 54-61 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over certain claims of the '981 Patent considered in combination with one or more of the Kuraishi et al., Nagaraj et al., McShane et al., Bindra et al., and Japanese JP 9-92775 references.

In addition to the foregoing, the Examiner indicated that the limitation recited in the pending claims regarding the second end of the contact being severed was not given patentable weight due to the same being a method limitation not germane to the issue of patentability of the device to which the pending claims are directed. The Examiner also indicated that the present application should have been filed as a continuation or continuation-in-part rather than a divisional since it is drawn to product claims as opposed to method claims which were non-elected in the parent application Serial No. 09/103,760.

By this Amendment, Applicant has amended the specification of the present application to

include a Related Applications section designating the present application as being a continuation (rather than a divisional) of U.S. Application Serial No. 09/103,760. This modification to the specification has been made to address the Examiner's comment with regard to the improper characterization of the present application as being a divisional of Serial No. 09/103,760.

Applicant has also amended independent Claim 37, 44, 47 and 53 to delete the term "severed" therefrom. Similarly, Applicant has amended Claim 61 to change the term "severed" to "distal". Applicant has deleted/changed this term in the aforementioned claims due to the same not being given patentable weight in the context of apparatus claims as stated by the Examiner in the Office Action. Further, Applicant has amended independent Claims 37, 44, 47 and 53, as well as dependent Claims 43, 45, 46, 50, 51, 55 and 56 to create consistency in describing each of the contacts as having first and second ends as opposed to first and second end surfaces.

With regard to the obviousness-type double patenting rejection advanced by the Examiner in relation to Claims 37-52 and 54-61, submitted herewith for the Examiner's consideration is a duly executed Terminal Disclaimer wherein Applicant has agreed to disclaim that term of any patent issuing in relation to the present application which extends beyond the expiration of the '981 Patent. Applicant respectfully submits that the submission of this Terminal Disclaimer has overcome the Examiner's obviousness-type double patenting rejection in relation to Claims 37-52 and 54-61.

Referring now to the Section 112 rejection advanced by the Examiner in relation to Claims 37-52 and 57-61, in the Office Action, the Examiner contends that the lip/depression/peak is not disclosed in the specification or shown in the drawings as being fully around the contact/die pad. Applicant respectfully disagrees. In independent Claim 37, each contact is described as including

a lip which extends fully around the circumference of the contact except at the second end thereof. In Claim 38, the die pad is described as including a lip which extends fully around the circumference thereof. In independent Claim 44, the die pad is described as including a central depression fully around the circumference thereof, with each of the contacts being described as including a central depression in the first end and the opposing side surfaces thereof. Similarly, in independent Claim 47, the die pad is described as including a central peak extending fully around the circumference thereof, with each of the contacts being described as including a central peak protruding from the first end and opposing side surfaces thereof. Finally, in independent Claim 57, the die pad is described as including a lip which extends fully around the same.

Applicant respectfully submits that these structural attributes are shown in the drawing of the '981 Patent and described in the specification thereof. More particularly, the Examiner's attention is drawn to Figures 2-6 of the '981 Patent. In column 4, lines 1-6 of the '981 Patent, the die pad 24 is described as being rectangular, and having peripheral side surfaces 27 between its upper first surface 25 and its lower second surface 26. In Figure 2, one of the longitudinal peripheral side surfaces and both of the lateral side surfaces are labeled with the reference numeral 27. An enlargement of the encircled region of Figure 2 is shown in Figure 3 wherein the remaining longitudinal peripheral side surface of the die pad 24 is labeled with the reference numeral 27.

In addition to the foregoing, in column 4, lines 25-30 of the '981 Patent, each tab 30 shown in Figure 2 is described as having three peripheral side surfaces 33 between the upper first surface 31 and the lower second surface 32 thereof. The first end of each tab 30 is that end which is disposed closest to the die pad 24, with the second end being defined by the severing of the tabs

30 from the members 23 and 23A as described in column 4, lines 11-18 of the '981 Patent. In Figure 2, the three peripheral side surfaces of one of the tabs 30 are each labeled with the reference numeral 33.

In column 4, lines 37-49, the side surfaces 27 of the die pad 24 and side surfaces 33 of the tabs 30 are each described as including a central peak 34 which extends outwardly therefrom and is shown in Figure 3. In column 4, lines 57-67, the side surfaces 27 of the die pad 24 and side surfaces 33 of the tabs 30 are described as each including a central depression 35 shown in Figure 4. In column 5, lines 1-31, the side surfaces 27 of the die pad 24 and side surfaces 33 of each of the tabs 30 are described as including a textured lip 36 (shown in Figure 5) or a rectangular lip 38 (shown in Figure 6).

Applicant respectfully submits that these passages of the specification of the '981 Patent, considered in conjunction with Figures 2-6 thereof, makes clear that the originally filed specification clearly contemplated the lip, depression or peak being disposed fully about all four peripheral sides of the die pad, and the three peripheral sides defined by each of the contacts or tabs. As indicated above, in each of independent Claims 37, 44 and 47, the lip, depression or peak is recited as being provided on or within three sides of each contact. Thus, Applicant respectfully submits that the Examiner's Section 112 rejection forwarded in relation to Claims 37-52 and 57-61 should be withdrawn.

Referring now to the Section 101 rejection advanced by the Examiner in relation to Claim 53 as claiming the same invention of Claim 6 of the '981 Patent, Claim 6 is dependent upon Claim 1 and describes the side surfaces of the die pad as including a lip at the first surface of the die pad, and the side surfaces and first end surface of the contacts as including a lip at the first surface of

the contact. Claim 53 of the present application is considerably broader in scope. In this regard, in Claim 53, the side surface of the die pad is described as including a "means" around the circumference of the die pad for vertically locking the die pad to the encapsulant material. Similarly, in Claim 53, the side surfaces and first end of the contacts are described as including a "means" for vertically locking the contact to the encapsulant material. These "means" could be interpreted as any one of the peak 34 shown in Figure 3, depression 35 shown in Figure 4, lip 36 shown in Figure 5, and lip 38 shown in Figure 6. Section 804 of the Manual of Patent Examining Procedure, in discussing a reliable test for double patenting under 35 U.S.C. §101, states as follows:

"Is there an embodiment of the invention that falls within the scope of one claim, but not the other? If there is such an embodiment, then identical subject matter is not defined by both claims and statutory double patenting would not exist. For example, the invention defined by a claim reciting a compound having a "halogen" substituent is not identical to or substantively the same as a claim reciting the same compound except having a "chlorine" substituent in place of the halogen because "halogen" is broader than "chlorine"."

In this case, independent Claim 53 is broader than Claim 6 of the '981 Patent since it encompasses not only the lip shown in Figures 5 and 6 of the '981 Patent, but also the peak and depression shown in Figures 3 and 4, respectively. Thus, Applicant respectfully submits that the Section 101 rejection advanced in relation to Claim 53 should also be withdrawn. In the event that the basis for the rejection of Claim 53 is changed to one on grounds of obviousness-type double patenting, Applicant respectfully submits that the Terminal Disclaimer submitted herewith

overcomes such rejection.

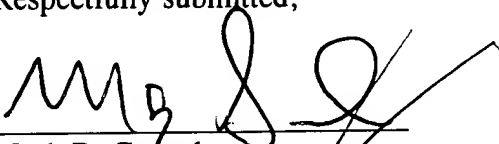
On the basis of the foregoing, Applicant respectfully submits that the stated grounds of rejection have been overcome, and that Claims 37-61 are now in condition for allowance. An early Notice of Allowance is therefore respectfully requested.

Attached hereto is a marked-up version of the changes made to the claims by the current Amendment. The attached page is captioned "Version with markings to show changes made".

Respectfully submitted,

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